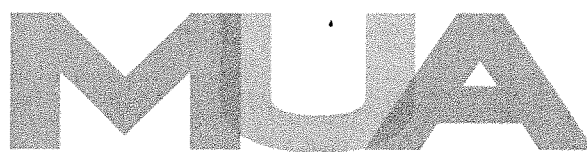


The
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UNDERGRADUATE UNIVERSITY EXAMINATIONS
SCHOOL OF MANAGEMENT AND LEADERSHIP
DEGREE OF BACHELOR OF ARTS IN DEVELOPMENT STUDIES

BDS 102: LEGAL ASPECTS OF DEVELOPMENT

DATE: 5TH APRIL 2017

DURATION: 2 HOURS

MAXIMUM MARKS: 70

INSTRUCTIONS:

1. Write your registration number on the answer booklet.
2. **DO NOT** write on this question paper.
3. This paper contains **SIX (6)** questions.
4. Question **ONE** is compulsory.
5. Answer any other **THREE** questions.
6. Question **ONE** carries **25 MARKS** and the rest carry **15 MARKS** each.
7. Write all your answers in the Examination answer booklet provided.

QUESTION ONE

In relation to the Law of Contract

- (a) Explain five essentials of a valid contract. (10 marks)
- (b) Jackson entered into a contract with Jacinta whereby Jackson was to introduce Jacinta to Tajiri with a view of Tajiri marrying Jacinta. Jackson asked Jacinta to give him Sh. 10,000 which she did. Jackson then introduced Jacinta to Tajiri and Tajiri promised to marry Jacinta in case his wife who was by then very ill in hospital passed away. However, Tajiri's wife Juliana underwent a successful surgery and fully recovered from the illness. Tajiri has now refused to marry Jacinta. Jacinta is aggrieved and wishes to sue Jackson and Tajiri. Advise her. (15 marks)

QUESTION TWO

- a. Name and briefly explain five categories of civil law. (7 marks)
- b. Describe the principles and presumptions that the courts use in the interpretation of statutes (8 marks)

QUESTION THREE

- (a) Law is described as a body of rules for guidance of human conduct which is imposed upon and enforced among the citizens of the state. Discuss (5 marks)
- (b) Most of the legal systems have their origins in ancient customs of the nation. Customs could therefore be said to be the oldest source of law. However, in order to gain recognition and enforcement by the courts, the particular custom should have certain characteristics. State and explain these characteristics. (5 marks)
- (c) One of the recognized sources of law in a country are the Acts of Parliament. Explain the advantages of Acts of Parliament as a source of law. (5 marks)

QUESTION FOUR

- (a) Explain the remedies available to an unpaid seller against:
- (i) The goods; (3 marks)
 - (ii) The buyer under the Sale of Goods Act. (4 marks)
- (b) In relation to the Sale of Goods Act, explain the circumstances when:
- (i) A buyer may reject the goods and repudiate the contract (4 marks)
 - (ii) The buyer may lose the right to reject the goods. (4 marks)

QUESTION FIVE

- (a) Explain the evolution of the doctrine of equity, indicating its contribution to the legal system of your country. (7 marks)
- (b) Write explanatory notes on the following:
- (i) Supremacy of the constitution. (2 marks)
 - (ii) The rule of law. (2 marks)
- (c) Identify the factors that may undermine the rule of law. (4 marks)

QUESTION SIX

In relation to the law of tort, explain what is meant by the following:

- (i) Private nuisance. (4 marks)
- (ii) Public nuisance. (4 marks)
- (iii) Giving examples, outline the circumstances when a private individual may sue on his own behalf for public nuisance. (7 marks)

